



November 28, 2018

Via Email: 63250-38020548@requests.muckrock.com

Lucas Smolcic Larson
MuckRock News
DEPT MR 63250
411A Highland Ave
Somerville, MA 02144-2516

RE: FOIL Request #2298

Dear Mr. Smolcic Larson:

This letter responds to your correspondence dated November 2, 2018, which pursuant to FOIL, requested:

Email correspondence between the email addresses "president@daasny.org" and "smcnamar@ocgov.net" (each belonging to Hon. Scott D. McNamara) and the Governor or his staff that contain the word "bail." Please provide correspondence sent and received between January 1st, 2018 and April 11th, 2018.

With respect to the portion of your request seeking emails with the Governor, the New York State Executive Chamber does not possess records responsive to your request.

The remainder of your request seeking email from "staff" is denied pursuant to Public Officers Law § 89(3) which requires a request for records to be "reasonably described." Whether a request is reasonably described may be dependent upon the nature of an agency's filing or record keeping system and agency employees are not required to engage in herculean or unreasonable efforts to locate records. See *Konigsburg v. Coughlin*, 68 N.Y.2d 245 (N.Y. 1986) and the NYS Committee on Open Government's FOIL Advisory Opinions 18949 and 18863.

Because your request is not limited to specific individuals, it does not "reasonably describe" the records requested. See Public Officers Law § 89(3)(a). The Executive Chamber employs nearly 200 individuals and does not maintain correspondence in a manner that allows all email sent and received by all employees on a given day to be readily accessed, segregated, and reviewed. The broad scope of your request does not identify any particular individual to enable us to facilitate a search and locate responsive records. This denial is without prejudice to submit a new request that reasonably describes the records sought.

Pursuant to Public Officers Law § 89(4)(a), you have thirty (30) days to take a written appeal of this determination. You may appeal by writing: FOIL Appeals Officer, Executive Chamber, State Capitol, Albany, New York, 12224.

Very truly yours,

A handwritten signature in black ink that reads "Keather Papa". The signature is written in a cursive, flowing style.

Keather Papa
FOIL Counsel
Acting Records Access Officer